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FILED

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
N.D. CALIF. JOSE

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ADR

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ANNA STOWE, an individual,  
  
Plaintiff,

v.

EXPERIAN INFORMATION  
SOLUTIONS, INC.; TRANSUNION  
LLC; EQUIFAX INFORMATION  
SERVICES, L.L.C.; LA CURACAO;  
and TOPAZ FINANCIAL SERVICE

Defendants.

**CV 11-02428**

Case No.:

**COMPLAINT FOR VIOLATIONS  
OF FAIR CREDIT REPORTING  
ACT (15 U.S.C. § 1681)**

- 1. FAILURE TO ESTABLISH  
PROPER PROCEDURES (15  
U.S.C. § 1681e)**
- 2. FAILURE TO BLOCK  
IDENTITY THEFT INFO (15  
U.S.C. § 1681e)**
- 3. FAILURE TO NOTIFY  
FURNISHERS OF IDENTITY  
THEFT INFO (15 U.S.C. §  
1681c-2)**
- 4. FAILURE TO  
REINVESTIGATE (15 U.S.C. §  
1681i)**
- 5. FAILURE TO PREVENT  
REFURNISHING IDENTITY  
THEFT INFO (15 U.S.C. §  
1681s-2)**

COMES NOW the Plaintiff, Anna Stowe, (hereafter "Plaintiff") by counsel, and for her complaint against Defendants, alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action for actual, statutory, and punitive damages, costs, and attorney's fees brought pursuant to 15 U.S.C. § 1681 *et seq.* (Federal Fair Credit Reporting Act).

**PARTIES**

2. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681(p) and 28 U.S.C. § 1367.

3. The Plaintiff is a natural person and resident of California. She is a "consumer" as defined by 15 U.S.C. § 1681a(c).

4. Upon information and belief, Defendant EXPERIAN INFORMATION SOLUTIONS, INC. (hereafter "Experian") is a corporation incorporated under the laws of the State of Texas authorized to do business under the laws of the State of California through its registered offices at 475 Anton Boulevard, Costa Mesa California 92626.

5. Upon information and belief, Experian is a "consumer reporting agency", as defined in 15 U.S.C. § 1681a(f). Upon information and belief, Experian is regularly engaged in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. § 1681a(d) to third parties.

6. Upon information and belief, Experian disburses such consumer reports to third parties under contract for monetary compensation.

7. Upon information and belief, Defendant EQUIFAX INFORMATION SERVICES, L.L.C. (hereafter "Equifax") is a corporation incorporated under the laws of the State of Georgia authorized to do business under the laws of the State of California through its registered offices at 1550 Peachtree Street, Northwest,

1 Atlanta, Georgia 30309.

2 8. Upon information and belief, Equifax is a “consumer reporting  
3 agency”, as defined in 15 U.S.C. § 1681a(f). Upon information and belief,  
4 Experian is regularly engaged in the business of assembling, evaluating, and  
5 disbursing information concerning consumers for the purpose of furnishing  
6 consumer reports, as defined in 15 U.S.C. § 1681a(d) to third parties.

7 9. Upon information and belief, Equifax disburses such consumer reports  
8 to third parties under contract for monetary compensation.

9 10. Upon information and belief, Defendant TRANSUNION, L.L.C.  
10 (hereafter “TransUnion” and collectively, with Equifax and Experian, the “Credit  
11 Reporting Agencies” or “CRA’s”) is a business entity organized under the laws of  
12 Delaware authorized to do business under the laws of the State of California  
13 through its registered offices at 1510 Chester Pike, Crum Lynne, PA 19022.

14 11. Upon information and belief, TransUnion is a “consumer reporting  
15 agency”, as defined in 15 U.S.C. § 1681a(f). Upon information and belief,  
16 Experian is regularly engaged in the business of assembling, evaluating, and  
17 disbursing information concerning consumers for the purpose of furnishing  
18 consumer reports, as defined in 15 U.S.C. § 1681a(d) to third parties.

19 12. Upon information and belief, Defendant LA CURACAO (hereafter  
20 “LA Curacao”) is a business entity organized under the laws of California  
21 authorized to do business under the laws of the State of California through its  
22 registered offices at 1605 West Olympic Boulevard, Suite 600, Los Angeles,  
23 California 90015.

24 13. Upon information and belief, LA Curacao is a “furnishers of  
25 information to consumer reporting agencies” as applied in 15 U.S.C. § 1681s-2.  
26 Upon information and belief, LA Curacao is a creditor who holds a debt that  
27 resulted from the theft of Plaintiff’s identity as described below.

28 14. Upon information and belief, Defendant TOPAZ FINANCIAL

1 SERVICE (hereafter "Topaz" and collectively with LA Curacao the "Information  
2 Providers") is a business entity organized under the laws of the State of California  
3 authorized to do business under the laws of the State of California through its  
4 registered offices at 15 St. Francis Boulevard, Daly City, California 94015.

5 15. Upon information and belief, Topaz is a "furnishers of information to  
6 consumer reporting agencies" as applied in 15 U.S.C. § 1681s-2. Upon information  
7 and belief, Topaz is a creditor who holds a debt that resulted from the theft of  
8 Plaintiff's identity as described below.

9 **ALLEGATIONS COMMON TO ALL CLAIMS**

10 *Plaintiff's Identity Theft*

11 16. On or about September 13, 2010, Plaintiff discovered that she had been  
12 the victim of numerous instances of identity theft. Her credit reports compiled and  
13 reported to creditors by Defendant Credit Reporting Agencies contained numerous  
14 negative items associated with a "Ana Jimenez" or "Ana Delrocio Gamarra", thirty-  
15 eight (38) years old, of Florida. Plaintiff does not reside in Florida and has resided  
16 in Santa Clara County California for more than twenty (20) years.

17 17. Plaintiff has informed the Credit Reporting Agencies of the identity  
18 theft and requested that fraud alerts be placed in her credit reports.

19 18. On or about October 6, 2010, Plaintiff filed an identity theft police  
20 report, Report No. 10-1992, ("Identity Theft Report") with Officer Kimball Stanley  
21 of the Los Gatos / Monte Sereno Police Department. A copy of the Identity Theft  
22 Report is attached hereto as Exhibit A.

23 19. Thereafter, Plaintiff provided the CRA's with proof of her identity, a  
24 copy of the Identity Theft Report, identification of the fraudulent information, and a  
25 statement that the information does not relate to any transaction by Plaintiff.

26 20. On information and belief, the CRA's failed to provide notice to the  
27 Information Providers that the fraudulent information may be a result of identity  
28 theft; that an identity theft report has been filed; that a block has been requested

1 under this section; and of the effective dates of the block.

2 21. Alternatively, the CRA's provided notice to the Information Providers  
3 that the fraudulent information may be a result of identity theft; that an identity theft  
4 report has been filed; that a block has been requested under this section; and of the  
5 effective dates of the block. Thereafter, the Information Providers failed to conduct  
6 an investigation with respect to the disputed information; review all relevant  
7 information provided by the consumer reporting agency pursuant to section 1681i  
8 (a)(2); report the results of the investigation to the consumer reporting agency; if the  
9 information is incomplete or inaccurate, report those results to all other consumer  
10 reporting agencies to which the person furnished the information and that compile  
11 and maintain files on consumers on a nationwide basis; and in cases inaccurate,  
12 incomplete, or unverifiable information, promptly modify, delete, or permanently  
13 block the reporting of that item of information.

14 **FIRST CLAIM FOR RELIEF**

15 **(Failure to Establish Proper Procedures – 15 U.S.C. § 1681e)**

16 22. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if  
17 fully set forth herein.

18 23. Defendants CRA's violated 15 U.S.C. § 1681e(b) by failing to  
19 establish or to follow reasonable procedures to assure maximum possible accuracy  
20 in the preparation of the credit report and credit files it published and maintains  
21 concerning Plaintiff.

22 24. As a result of this conduct, action and inaction of Defendants CRA's,  
23 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit  
24 from credit, the mental and emotional pain and anguish and the humiliation and  
25 embarrassment of credit denials.

26 25. Defendants CRA's conduct, action, and inaction were willful,  
27 rendering it liable for punitive damages in an amount to be determined by the Court  
28 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling

1 Plaintiff to recover under 15 U.S.C. § 1681o.

2 26. Plaintiff is entitled to recover attorney's fees from Defendants CRA's  
3 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §  
4 1681o.

5 **SECOND CLAIM FOR RELIEF**

6 **(Failure to Block Identity Theft Information – 15 U.S.C. § 1681c)**

7 27. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if  
8 fully set forth herein.

9 28. Defendants CRA's violated 15 U.S.C. § 1681c on multiple occasions  
10 by failing to block information regarding the instances of identity theft contained in  
11 Plaintiff's credit reports after receiving actual notice of such information; proof of  
12 Plaintiff's identity; a copy of the Identity Theft Report; and a statement that the  
13 information does not relate to any transaction by Plaintiff.

14 29. As a result of this conduct, action and inaction of Defendants CRA's,  
15 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit  
16 from credit, the mental and emotional pain and anguish and the humiliation and  
17 embarrassment of credit denials.

18 30. Defendants CRA's' conduct, action, and inaction were willful,  
19 rendering it liable for punitive damages in an amount to be determined by the Court  
20 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling  
21 Plaintiff to recover under 15 U.S.C. § 1681o.

22 31. Plaintiff is entitled to recover attorney's fees from Defendants CRA's  
23 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §  
24 1681o.

25 **THIRD CLAIM FOR RELIEF**

26 **(Failure to Notify Furnishers of Identity Theft Info. – 15 U.S.C. § 1681c-2)**

27 32. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if  
28 fully set forth herein.



1        33. Defendants CRA's violated 15 U.S.C. § 1681c-2 on multiple occasions  
2 by failing to notify credit furnishers (1) that the information may be a result of  
3 identity theft; (2) that an identity theft report has been filed; (3) that a block has  
4 been requested under this section; and (4) of the effective dates of the block after  
5 receiving actual notice of such information; proof of Plaintiff's identity; a copy of  
6 the Identity Theft Report; and a statement that the information does not relate to any  
7 transaction by Plaintiff.

8        34. As a result of this conduct, action and inaction of Defendants CRA's,  
9 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit  
10 from credit, the mental and emotional pain and anguish and the humiliation and  
11 embarrassment of credit denials.

12        35. Defendants CRA's' conduct, action, and inaction was willful,  
13 rendering it liable for punitive damages in an amount to be determined by the Court  
14 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling  
15 Plaintiff to recover under 15 U.S.C. § 1681o.

16        36. Plaintiff is entitled to recover attorney's fees from Defendants CRA's  
17 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §  
18 1681o.

19                    **FOURTH CLAIM FOR RELIEF**

20                    **(Failure to Reinvestigate – 15 U.S.C. § 1681i)**

21        37. Plaintiff realleges and incorporates paragraphs 1 through 21 above as if  
22 fully set forth herein.

23        38. Defendants CRA's violated 15 U.S.C. § 1681i on multiple occasions  
24 by failing to delete inaccurate information in Plaintiff's credit file after receiving  
25 actual notice of such inaccuracies; by failing to conduct a lawful reinvestigation; by  
26 failing to forward relevant information to the Creditors; failing to maintain  
27 reasonable procedures with which to filter and verify disputed information in  
28 Plaintiff's credit file; and by relying upon verification from a source it has reason

1 know is unreliable.

2 39. As a result of this conduct, action and inaction of Defendants CRA's,  
3 Plaintiff suffered damages by loss of credit, loss of ability to purchase and benefit  
4 from credit, the mental and emotional pain and anguish and the humiliation and  
5 embarrassment of credit denials.

6 40. Defendants CRA's' conduct, action, and inaction was willful,  
7 rendering it liable for punitive damages in an amount to be determined by the Court  
8 pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling  
9 Plaintiff to recover under 15 U.S.C. § 1681o.

10 41. Plaintiff is entitled to recover attorney's fees from Defendants CRA's  
11 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or §  
12 1681o.

### 13 **FIFTH CLAIM FOR RELIEF**

#### 14 **(Failure to Prevent Refurnishing Identity Theft Info. – 15 U.S.C. § 1681s-2)**

15 42. Plaintiff realleges and incorporates paragraphs 1 through 18 above as if  
16 fully set forth herein.

17 43. Defendants Information Providers violated 15 U.S.C. § 1681s-2 by  
18 failing to conduct an investigation with respect to the disputed information; review  
19 all relevant information provided by the consumer reporting agency pursuant to  
20 section 1681i (a)(2); report the results of the investigation to the consumer reporting  
21 agency; if the information is incomplete or inaccurate, report those results to all  
22 other consumer reporting agencies to which the person furnished the information  
23 and that compile and maintain files on consumers on a nationwide basis; and in  
24 cases inaccurate, incomplete, or unverifiable information, promptly modify, delete,  
25 or permanently block the reporting of that item of information, after being notified  
26 that they may have provided inaccurate information that may have resulted from  
27 identity theft.

28 44. Defendants Information Providers conduct, action, and inaction was



1        44. Defendants Information Providers conduct, action, and inaction was  
2 willful, rendering it liable for punitive damages in an amount to be determined by  
3 the Court pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent,  
4 entitling Plaintiff to recover under 15 U.S.C. § 1681o.

5        45. Plaintiff is entitled to recover attorney's fees from Defendants  
6 Information Providers in an amount to be determined by the Court pursuant to 15  
7 U.S.C. § 1681n and/or § 1681o.

8  
9        WHEREFORE, Plaintiff demands judgment for compensatory and punitive  
10 damages against Defendants, jointly and severely; for her attorney's fees and costs;  
11 for pre-judgment and post-judgment interest at the legal rate; and such other relief  
12 the Court deems just, equitable, and proper.

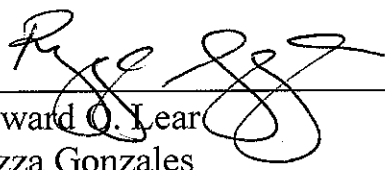
13  
14                                    **DEMAND FOR JURY TRIAL**

15        Plaintiff hereby demands a jury trial of this action.

16  
17 DATED:    May 13, 2011

CENTURY LAW GROUP LLP

18  
19 By: \_\_\_\_\_

  
Edward O. Lear  
Rizza Gonzales  
Attorneys for Plaintiff  
ANNA STOWE

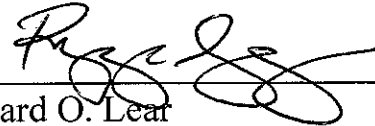
**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial of this action.

DATED: May 13, 2011

CENTURY LAW GROUP LLP

By: \_\_\_\_\_



Edward O. Lear

Rizza Gonzales

Attorneys for Plaintiff

ANNA STOWE

# **EXHIBIT A**

# Incident Report

## Los Gatos/Monte Sereno Police Department



PO Box 973  
110 E Main St  
Los Gatos, California 95031  
408-354-8600 LG[ /]  
408-354-0578 MS[ ]

10-1992

Supplement No  
ORIG

Reported Date  
10/06/2010  
Nature of Call  
THEFT IDN  
Officer  
KIMBAL STANLEY

### Administrative Information

Agency <b>Los Gatos/Monte Sereno Police Department</b>				Report No <b>10-1992</b>		Supplement No <b>ORIG</b>		Reported Date <b>10/06/2010</b>	
Reported Time <b>16:46</b>		CAD Call No <b>102790097</b>		Status <b>Report</b>		Nature of Call <b>Identity Theft</b>			
Location <b>49 TAIT AV</b>						City <b>LOS GATOS</b>		ZIP Code <b>95030</b>	
Area <b>LG</b>		Beat <b>3</b>		From Date <b>06/01/2003</b>		From Time <b>08:00</b>		To Date <b>10/06/2010</b>	
Officer <b>S062/KIMBAL STANLEY</b>						Assignment <b>Patrol Traffic Officer</b>		Entered by <b>S062</b>	
Assignment <b>Patrol Traffic Officer</b>				RMS Transfer <b>Successful</b>		Approving Officer <b>S024</b>		Approval Date <b>10/12/2010</b>	
Approval Time <b>23:13:29</b>									
# Offenses <b>1</b>		Offense <b>530.5 PC</b>			Description <b>IDENTITY THEFT</b>			Complaint Type	

### Person Summary

Invt	Invt No	Type	Name	MNI	Race	Sex	DOB
VIC	1	I	STOWE, ANNA QUISUMBING	227787	A	F	07/23/1958

### Summary Narrative

The victim's social security number was used to open numerous credit accounts from 2003 through 2010.

**CONFIDENTIAL  
DOCUMENT**  
Los Gatos / Monte Sereno  
Police Department  
Released **C** OCT 20 2010

**Incident Report****10-1992**Supplement No  
**ORIG****Los Gatos/Monte Sereno Police Department****Victim 1: STOWE, ANNA QUISUMBING**

Involved <b>Victim</b>	Inv No <b>1</b>	Type <b>Individual</b>	Name <b>STOWE, ANNA QUISUMBING</b>	MNI <b>227787</b>
Race <b>Other Asian (NCIC=Asian/Pacific Islander)</b>	Sex <b>Female</b>	DOB <b>07/23/1958</b>	Age <b>52</b>	
Ethnicity <b>Not of Hispanic origin</b>	Juvenile? <b>No</b>			
Type <b>Home</b>	Address <b>49 TAIT AV</b>	City <b>LOS GATOS</b>	State <b>California</b>	
ZIP Code <b>95030</b>				
Type <b>Operator License</b>	ID No <b>N778282</b>	OLS <b>California</b>		
Type <b>Social Security Number</b>	ID No <b>[REDACTED]</b>			
Phone Type <b>CELL</b>	Phone No <b>(408) 987-4556</b>	Phone Type <b>HOME</b>	Phone No <b>(408) 395-8678</b>	

**Modus Operandi**

Suspect Action

**OTHER**

Crime Code(s)

**IDENTITY THEFT****Narrative**

**I. Additional Attachments:** Copy of victim's credit report.  
Copy of affidavit of fraud.

**II. Narrative:** On 10/06/10 at approximately 1647 hours, I responded to 49 Tait Avenue for an identity theft report. (V) Stowe reported that she recently received a copy of her credit report. She discovered that numerous fraudulent credit accounts had been opened using her social security number. The accounts have been opened all over the country beginning in 2005. The most recent have addresses in Orlando Florida. Accounts and information are provided on the attached credit reports.

(V) Stowe completed an affidavit fraud as well reporting the fraudulent use of her social security number to the Social Security Administration.

Follow Up: None

**III. Recommendations:** I recommend this case be forwarded to detective bureau and to the Orlando Florida Police Department.

*collo***CONFIDENTIAL  
DOCUMENT****Los Gatos / Monte Sereno  
Police Department**Released **C** OCT 20 2010